

Staff Summary Report



To: Mayor & City Council
Through: City Manager

Agenda Item Number
Meeting Date 09/05/02

SUBJECT: Judge MaryAnne Majestic Reappointment

PREPARED BY: Louraine Arkfeld x8614

REVIEWED BY: Judicial Evaluation Panel

LEGAL REVIEW BY: C. Brad Woodford, x8227

BRIEF: Request reappointment of Judge MaryAnne Majestic for a two-year term.

COMMENTS: COURT ADMINISTRATION (0501-02) Request reappointment of Judge MaryAnne Majestic for a two-year term.

Document Name: (20020905ctfv01) **Supporting Documents:** Yes

SUMMARY: Judge Majestic was originally appointed to the position of City Judge for a two-year term beginning September 15, 1994 through September 14, 1996. She was selected following a formal application and interview process by a Judicial Selection Panel, which then recommended her appointment to the Mayor and Council. Following evaluations by the Judicial Review Panel, she was reappointed for a second two-year term beginning September 15, 1996 through September 14, 1998, a third two-year term from September 15, 1998 through September 14, 2000 and a fourth two-year term from September 15, 2000 to September 14, 2002.

Established at the direction of the Mayor and Council, the Judicial Review Panel was created to provide an impartial community review of judges up for reappointment and make recommendations to the City Council. The members of the Panel are:

- Dr. Judy Aldrich, Former Chair, Merit System Board
- Dr. Carlos Bejarano, Principal, Fees Middle School
- Dean Alan Matheson, Arizona State University School of Law
- Judge Steven Sheldon, Maricopa County Superior Court

The Panel's evaluation criteria includes jury questionnaires, attorney/pro-per litigant/witness questionnaires, public input, self-evaluation and an evaluation letter from the Presiding Judge. Questionnaires were submitted to all the prosecutors and public defenders who practice in the Tempe Municipal Court as well as to private attorneys, pro-per litigants and witnesses who participated in

proceedings in Judge Majestic's courtroom for a period of six weeks starting in June 2002. Jury questionnaires were submitted to all jurors called for duty over the last two years who served in her courtroom. The Court also distributes surveys to the general public on a variety of topics, including comments on judicial performance. A public hearing for comments on Judge Majestic's reappointment was held on August 5, 2002. Written comments were also accepted prior to the hearing.

The Judicial Evaluation Panel met to review all of the above data and information. Following the public hearing, it was the Panel's unanimous decision to recommend Judge MaryAnne Majestic for reappointment.

FISCAL NOTE: N/A

RECOMMENDATION: That the Council reappoint Judge Maryanne Majestic and approve a two-year contract.

AGREEMENT

THIS AGREEMENT is entered into the date below, signed by and between MaryAnne Majestic (Employee) and the City of Tempe (City).

I.

The City and Employee desire to enter into a contract for employment by the City of Employee in the position of City Court Judge.

II.

This agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties and rules of conduct, and compensation during the term of this Agreement. It is agreed as follows:

- 1) TERM. This Agreement shall be effective from September 15, 2002 through September 14, 2004.
- 2) COMPENSATION. Employee shall be paid the annual sum of \$110,927.67, in 26 bi-weekly installments for the period of September 15, 2002 to September 14, 2003, and an amount equal to \$110,927.67 plus the Cost of Living Adjustment percentage awarded to City of Tempe Employees on July 1, 2003 in 26 bi-weekly installments for the period of September 15, 2003 through September 14, 2004, together with all other City benefits which are otherwise available to unclassified, exempt City of Tempe employees.
- 3) DUTIES. Employee shall perform the duties of City Court Judge under the administration of the Presiding Judge of the Tempe City Court and pursuant to all laws, ordinances, and rules of the State of Arizona, City of Tempe, and Arizona Supreme Court.
- 4) CONDITIONS OF EMPLOYMENT.
 - a) Employee shall maintain normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday except for legal holidays, vacation or other leave as granted by the personnel policies of the City or the Presiding Judge.
 - b) Employee shall preside as Judge over all assigned Court calendar dockets in a timely fashion and shall notify the Presiding Judge, if necessary, in a timely fashion of her inability to preside over any docket in order that the Presiding Judge may secure the service of a Judge Pro Tem.
 - c) Employee shall at all times ensure that her conduct as Judge of the City Court of the City of Tempe does not violate Administrative Orders Revised No. 93-3 and Revised No. 90-3 of the Supreme Court of Arizona, the Code of Judicial Conduct, Rule 45 of the Rules of the Arizona Supreme Court, and any other Rule or law governing the conduct of judges during the terms of this contract.

- d) Employee shall not during her term of employment commit any act, which would be grounds for dismissal pursuant to Rule 4 of the Personnel Rules and Regulations of the City of Tempe.
- 5) TERMINATION. During the term of this Agreement, the employee may be removed from office by the City Council of the City of Tempe for violation of this Agreement. Notice of removal of office shall be delivered in writing to the employee and employee shall have the right to request a hearing before the City Council of the City of Tempe. Any such request for hearing and any hearing shall be in accordance with Rule 1, Section 106(B)(4), (C), (D), and (E) of the Personnel Rules and Regulations of the City of Tempe, except that said hearing shall be before the City Council of the City of Tempe and not the Merit System Board.

DATED this _____ day of _____, 2002

Neil G. Giuliano, Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

Employee